MINUTES PLANNING COMMISSION JULY 2, 2019 LAKEWOOD CITY HALL 7:00 P.M. AUDITORIUM

The meeting was called to order at 7:00 p.m.

1. Introduction and Oath, Nathan Kelly

Deferred

2. Roll Call

Members PresentOthers PresentKyle Baker, Vice ChairKatelyn Milius, City Planner, SecretaryKyle KrewsonJennifer Swallow, Executive Assistant Law DirectorLou McMahon, ChairBryce Sylvester, Director, P&DMonica RossiterMark Papke, City Engineer

A motion was made by Mr. Baker, seconded by Ms. Rossiter to **EXCUSE** the absence of Nathan Kelly. All the members voting yea, the motion passed.

3. Approve the Minutes of the May 2, 2019 meeting

A motion was made by Mr. McMahon, seconded by Ms. Rossiter to **APPROVE** the May 2, 2019 meeting minutes. All the members voting yea, the motion passed.

4. Opening Remarks

Ms. Milius read the Opening Remarks into record.

REQUEST FOR MODIFICATIONS

5. PLANNED DEVELOPMENT Docket No. 03-05-19 13900 Lake Avenue Lake Avenue Homes

David L. Swindell, WXZ Residential, LLC, applicant requests the review and approval of modifications for the construction of five, two-story cluster homes, pursuant to section 1156 – planned development. The property is in a R1M – Single Family, Medium Density district. This item was approved by the Planning Commission at the May 2, 2019 meeting. (Page 3)

Administrative Staff ("staff") provided a brief introduction. David L. Swindell, WXZ Residential, LLC, applicant, Paul Glowacki, Dimit Architects were present to explain the modifications. Modifications include decreasing the units from five to four, increased front, rear, and side setbacks. Staff provided the City's analysis. The Planning Commission Members ("members") had no questions or comments for the staff. Public comment was taken.

Comments:

• This proposal was the best architecture for new homes in years.

^{*}The members would welcome Mr. Kelly later during the meeting, should he appear.

- The modifications answer a lot of the concerns the neighbors had.
- Liked the reduction of number of units from five to four, although would prefer three units.
- Dimit did a great job on the design.
- Questioned the City's setback examples.
- Concern about the project affecting Lake Avenue's openness.

The members asked for ground level comparisons between B Units and the former C unit., asked why the west driveway "jogged", discussed the previous conditions for approval granted at the May meeting, verified that the Green Certification would be acceptable to the applicant, maintained this site and project were unique in Lakewood and would not be setting a precedence.

A motion was made by Mr. Baker, seconded by Mr. McMahon to **APPROVE** with the following findings and conditions:

Existing Use

• Gas station and Auto Mechanic Shop, Existing Non-Conformity

Proposed use of 4 single-family homes is more conforming with the district, reduces noise and traffic volumes for the neighborhood

Deviation from setback of adjoining residential uses

Commission shall find that such deviation shall be solely for the purpose of promoting an integrated site plan and would be consistent with the Vision

• Provide a variety of housing types that meet the needs of the whole community including seniors, low-moderate income families, and special needs households

First Floor masters provide one-floor living that is desired by Lakewood seniors, but few options are currently available.

Other Goals of the Vision

• Encourage new and infill development which is complementary to the scale and character of surrounding residential users

Height and approved design are responsive to neighborhood

Pedestrian friendly site-design

Reduction of traffic and curb cut widths improves pedestrian safety.

Conditions:

- The applicant adds or maintains landscape screening to the west property boundary extending from the wall.
- The applicant obtains a green certification for the project.
- Reiterate this is a unique site and will not set precedence in other neighborhoods.
- The conditions set forth in the May meeting minutes would remain.

All the members voting yea, the motion passed.

OLD BUSINESS

6. PLANNED DEVELOPMENT

Docket No. 02-03-19

13701 and 13901 Detroit Avenue and 1406 Wyandotte Avenue

Detroit and Bunts Market Rate Apartments

Jerome Solove, Jerome Solove, Development, Inc., applicant requests the review and approval of a planned development consisting of two mid-rise apartment buildings and one parking garage on 2.12 acres, pursuant to section 1156 – planned development. The property is in a C3 - Commercial, General Business district. This item was deferred. (Page 5)

*The applicant has requested a deferral from the July meeting; the next presentation is expected at the August 1, 2019 meeting.

The applicant requested a deferral. Public comment was closed as no one addressed the issue.

A motion was made by Mr. Baker, seconded by Mr. Krewson to **DEFER** the request. All the members voting yea, the motion passed.

CONDITIONAL USE

7. Docket No. 03-06-19 16000 Detroit Avenue and 15801 Detroit Avenue Market Rate Apartments

Jerome Solove, Jerome Solove, Development, Inc., applicant requests the review and approval of a mixed-use development consisting of approximately 150 market rate, three-story apartments and parking on approximately 2.4 acres, located on the north and south sides of Detroit Avenue between Rosewood and Cranford Avenues, pursuant to section 1135 – mixed use overlay. The property is in a C3 – Commercial, General Business district. This item was deferred. (Page 8)

*The applicant has requested a deferral from the July meeting; the next presentation is expected at the August 1, 2019 meeting.

The applicant requested a deferral. Public comment was closed as no one addressed the issue.

A motion was made by Mr. McMahon, seconded by Ms. Rossiter to **DEFER** the request. All the members voting yea, the motion passed.

NEW BUSINESS CONDITIONAL USE

8. Docket No. 07-16-19 13603 Madison Avenue AJI Noodle Bar

Jackie Kim, AJI Noodle Bar, applicant requests the review and approval for a conditional use permit to operate a patio at the rear of the building (six tables, 22 chairs – 88 indoor seating capacity), pursuant to section 1161.03(t) – outdoor dining facility. The property is in a C3 – Commercial, General Business district. (Page 10)

Jackie Kim, AJI Noodle Bar, applicant and Joel Felkmann, Manager were present to explain the request. Staff stated the application met the code specifications and would be reviewed annually. Closing hours were discussed. The members asked for the location of the dumpster and about access to the patio and dumpster. Public comment was closed as no one addressed the issue.

A motion was made by Mr. Baker, seconded by Ms. Rossiter to **APPROVE** the request. All the members voting yea, the motion passed.

LOT SPLIT/CONSOLIDATION

9. Docket No. 07-17-19 17882 Lake Road The Clifton Club

Kathleen M Stringer, The Clifton Club, applicant requests a lot split and consolidation (PPN 311-04-011 and PPN 311-04-012), pursuant to section 1155.06 – procedures for lot consolidation and resubdivisions. The property is in a R1L – Single Family, Low Density district. (Page 14)

The applicant requested a deferral. Public comment was taken.

A motion was made by Mr. McMahon, seconded by Ms. Rossiter to **DEFER** the request. All the members voting yea, the motion passed.

COMMUNICATION

10. Docket No. 07-18-19 12650 Detroit Avenue **Drive-Through Facilities**

> A communication from City Planner Katelyn Milius regarding the code for drive-through businesses in Lakewood.

> On February 19, 2019 City Council introduced a letter requesting the review of Lakewood's code related to drive-through facilities. Code sections 1129,1143, and 1161, have been referred to Planning Commission for deliberation and consideration. (Page 35)

Ms. Milius delivered the communication (letter from City Council dated February 19, 2019 is made part of record). There were no comments or questions from the members.

A motion was made by Mr. McMahon, seconded by Mr. Baker to RECEIVE AND FILE the communication. All the members voting yea, the motion passed.

*Mr. Kelly was present and administered the Oath. He was welcomed warmly as the newest member of the Planning Commission.

ADJOURN

A motion was made by Mr. Kelly seconded by Mr. Baker to ADJOURN the meeting at 7:53 P.M. All the members voting yea, the motion passed.

On behalf of Planning Commission

B-5-2019

Date







Oath

(You need not give an oath if you object. If you object to giving an oath, please notify the hearing officer or secretary before signing below.)

I, the undersigned, hereby solemnly swear that the testimony I give at this proceeding will be the truth, the whole truth and nothing but the truth:

PRINT NAME:	SIGN NAME:
NANCY DEE BINDER	Mency Du Bridy
2. Jeather pudge	Hogher pudge
3. Canolyn Chegony	Colymon.
4. Cotes Sert	
5. Jackte K7M	Soch
6 LOVE FORMANIN	Joff Page
ROBERT FROST	12/18/21
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o	<u> </u>
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Prepared by: The City of Lakewood Law Departme	nt, 12650 Detroit Ave., Lakewood, Ohio 44107
FOR CITY USE	ONLY
Lakewood Administrative Procedure: ABR/BBS Citizens Advisory Civil Svc. Dangerous Dog Income Lax Appeals Loan Approval Nuisance Abatement Appeals Parking Planning Zoning Appeals Other:	
Date of Proceeding: Tues day Ju	ly 2, 2019
1	,

OATH OF OFFICE

I, Nathan Kelly, being first duly sworn according to law, upon my oath depose and say:

That I will support the Constitution of the United States and the State of Ohio, and the Charter and Ordinances of the City of Lakewood and will faithfully discharge the duties of the Planning Commission of the City of Lakewood, Ohio so help me God.

Signature Date

Schwarz, Johanna

From:

Milius, Katelyn

Sent:

Wednesday, June 19, 2019 1:42 PM

To:

Schwarz, Johanna

Subject:

FW: Planning Commission Docket Items

From: Alex Solove <asolove@solove.com> Sent: Wednesday, June 19, 2019 12:17 PM

To: Sylvester, Bryce < Bryce. Sylvester@lakewoodoh.net>

Cc: Milius, Katelyn <Katelyn.Milius@lakewoodoh.net>; Sean McDermott <smcdermott1490@gmail.com>; mtv@kjk.com;

Dad <jsolove@solove.com>

Subject: Re: Planning Commission Docket Items

Hi Bryce & Katelyn,

Below is how we would like to address each project for planning commission in July.

- 1. D&B Planned Development deferral
- 2. D&B Lot Consolidation C3 deferral
- 3. Barry MUOD deferral

Let me know if you have any questions. Happy to discuss this afternoon.

Thanks,

Alex

Alex Solove 614-425-2104 asolove@solove.com www.soloverealestate.com

On Jun 19, 2019, at 7:49 AM, Sylvester, Bryce <Bryce.Sylvester@lakewoodoh.net> wrote:

All - now that we've shifted gears and changed the approach at Spitzer, I recommend that you withdraw the application for PD. Having two docket items is causing confusion.

Happy to talk through this today.

Thanks, Bryce

Bryce Sylvester Director of Planning & Development City of Lakewood On Jun 19, 2019, at 7:37 AM, Alex Solove asolove@solove.com> wrote:

Hi Katelyn,

Will circle back by the end of today on this.

Thanks,

Alex

Alex Solove 614-425-2104 asolove@solove.com www.soloverealestate.com

On Jun 18, 2019, at 5:38 PM, Milius, Katelyn < Katelyn.Milius@lakewoodoh.net wrote:

Solove team,

Hope you are doing well. It is our understanding that you are requesting a deferral for the Planned Development rezoning at Detroit and Bunts apartments and a deferral for the conditional use for the Barry Buick market rate apartments. The other application that you have submitted is the lot consolidation for the Detroit and Bunts site. Please confirm the requested action for each of the docket items by the end of the day tomorrow June 19th.

Our recommendation at this point is that you do not present the lot consolidation in July. Please call us with any questions.

Have a great evening.

Katelyn

Katelyn Milius, PE

City Planner
Department of Planning & Development
City of Lakewood
12650 Detroit Avenue
Lakewood, OH 44107
216-529-6634

Schwarz, Johanna

From:

Milius, Katelyn

Sent:

Friday, May 24, 2019 2:15 PM

To:

Schwarz, Johanna

Subject:

FW: Barry June Meetings

From: Alex Solove <asolove@solove.com>

Sent: Friday, May 24, 2019 10:33 AM

To: Sylvester, Bryce <Bryce.Sylvester@lakewoodoh.net>; Milius, Katelyn <Katelyn.Milius@lakewoodoh.net>; Harnocz,

Alex <Alex.Harnocz@lakewoodoh.net>

Subject: Barry June Meetings

Hi Bryce,

For Barry we plan on deferring both PC and ABR for the month of June.

Thanks,

Alex

Alex Solove 614-425-2104

www.soloverealestate.com

Schwarz, Johanna

From:

Milius, Katelyn

Sent:

Friday, May 24, 2019 2:16 PM

To:

Schwarz, Johanna

Subject:

FW: JSDI D&B Planned Development Application

----Original Message----

From: Alex Solove <asolove@solove.com>

Sent: Friday, May 24, 2019 7:26 AM

To: Milius, Katelyn <Katelyn.Milius@lakewoodoh.net>; Sylvester, Bryce <Bryce.Sylvester@lakewoodoh.net>; Harnocz,

Alex <Alex.Harnocz@lakewoodoh.net>

Cc: Sean McDermott <smcdermott1490@gmail.com>; mtv@kjk.com

Subject: JSDI D&B Planned Development Application

Hi Lakewood Team,

Wanted to reach out and inform you that we plan to defer our PD Application for both PC and ABR for June. Bryce I believe we had already spoken on this but just wanted to give you an actual notice.

Thanks,

Alex

614-425-2104 asolove@solove.com www.soloverealestate.com

Johanna Schwarz

From:

P Richards <chopper3lw@yahoo.com>

Sent:

Thursday, June 27, 2019 8:24 PM

To:

Planning Dept

Subject:

Docket No. 07-17-19 17882 Lake Road lot split and consolidation

My name is P B Richards, owner of 17887 Lake Road directly across from the subject property. I received the Public Notice regarding the lot split and consolidation of (PPN 311-04-011 and PPN 311-04-012). The notice was relayed to me by email as I am currently not in Ohio and had not planned on returning until after the hearing on July 2nd.

I've been told by several other neighbors that they are to present the Planning Commission with a petition to delay this matter before the Planning Commission. I agree with these neighbors and support their effort. My signature would be on that document if I had been present.

Separately, I am vehemently opposed to the proposed lot split and consolidation. The Clifton Club is a for-profit business that does not benefit its neighbors and is located in a single-family low population density neighborhood. Zoning would prohibit it from being located there if it were a new establishment. Making it larger and busier only further impinges on quiet enjoyment of our property and that of the neighborhood at large. The Clifton Club began its existence as a gathering place for the neighbors of Clifton Park. It has evolved over many years into something far different, and probably should have been prohibited in doing so long ago. Further, it is my understanding that there are deed restrictions that inhibit the proposed action as well.

Thank you for your consideration.

Yours,

P B Richards Occam Investment LLC 17887 Lake Rd 305-923-0418

Johanna Schwarz

From:

Katelyn Milius

Sent:

Tuesday, July 2, 2019 9:15 AM

To:

Johanna Schwarz

Subject:

FW: Clifton Club-Planning Commission

----Original Message-----

From: Michael Bentley < mabentley 9@gmail.com >

Sent: Monday, July 1, 2019 6:48 PM

To: Katelyn Milius < Katelyn. Milius@lakewoodoh.net>

Cc: Kathy Stringer <kathy.s@cliftonclub.com>; John Burke <john@burkeslaw.net>; Pat Berry <pberry@mcdonaldhopkins.com>; Bryce Sylvester <Bryce.Sylvester@lakewoodoh.net>

Subject: Clifton Club-Planning Commission

Katelyn,

The Clifton Club is requesting a deferral to the August meeting for our application for lot split and consolidation.

I must say that I am extremely disappointed in the necessity for us to do so. We have engaged the Planning Department from step one when we first considered doing this split, and to have obstacles thrown at us the morning prior to the meeting is very disheartening.

Thanks,

Michael Bentley President, The Clifton Club mabentley9@gmail.com 216-513-0933





12650 DETROIT AVENUE 44107 216/529-6055 FAX 216/226-3650 www.onelakewood.com

Lakewood City Council
SAMUEL T. O'LEARY, PRESIDENT
DAVID ANDERSON, VICE PRESIDENT

Council at Large MEGHAN GEORGE THOMAS R. BULLOCK III TRISTAN RADER Ward Council
DAVID W. ANDERSON, WARD 1
SAM O'LEARY, WARD 2
JOHN LITTEN, WARD 3
DANIEL J. O'MALLEY, WARD 4
February 19, 2019

Communication Regarding Drive-Through Businesses In Lakewood

Dear Colleagues,

Most Lakewood neighborhoods are bookended by businesses on our thriving and bustling commercial corridors of Detroit and Madison Avenues. These businesses are often owned, operated or staffed by our neighbors, and many residents enjoy the convenience of having these establishments within a stone's throw of their home. However, these businesses, particularly when they incur large volumes of vehicle or pedestrian traffic, create impacts on their neighbors- both the surrounding businesses, as well as residents.

The City of Lakewood, through this body and its Planning Commission, Board of Zoning Appeals, and Architectural Review Board has done well to mitigate many of the negative impacts associated with traffic related to new businesses for which a drive-through is an essential component. Today, we can point to several recent examples of proposed or approved Lakewood establishments who are looking to add, expand, or modify their drive-through operations. Indeed, the advent of new technologies and consumer behaviors has increased the number and types of businesses that look to incorporate vehicle-based transactions into their business operations, from grocers to dry cleaners-- and across industries, from retail to service.

The Planning Commission in particular has paid close attention to this issue and its impacts on neighborhoods, and took up consideration of changes to our Code which it subsequently recommended and Council ultimately adopted as recently as 2015. Nevertheless, in light of recent experiences, and with nationwide and global trends favoring kiosk-related or other drive-through operations, the undersigned respectfully request that this communication be referred to the Planning Commission for additional deliberation and consideration regarding whether Lakewood Code Chapters 1129, 1143, and 1161 could benefit from additional changes to reflect technological and operational advances, future trends, past experiences, and the sensitivities of our vibrant neighborhoods. Naturally, Council will lend its consideration to any such Code changes that the Planning Commission may propose.

Respectfully Submitted,

Sam O'Leary – Ward 2

John Litten – Ward 3

Daniel J. O'Malley – Ward 4



Planning Commission July 2, 2019

AGENDA

- 1. Lake Avenue Homes Request for Modification to Final PD
- 2. Detroit and Bunts Market Rate Apartments DEFERRED
- 3. Barry Buick Market Rate Apartments DEFERRED
- 4. AJI Noodle Bar Outdoor Dining
- 5. Clifton Club Lot Consolidation DEFERRED
- 6. Communication Drive-through facilities



Docket No. 03-05-19 13900 Lake Avenue

LAKE AVENUE HOMES



- I. Introduction
- **II. Developer Presentation**
- **III.City Analysis**
- **IV. Planning Commission questions & feedback**
- V. Public comment & questions
- VI. Discussion on comments & questions
- VII.Vote



1156.04(m)

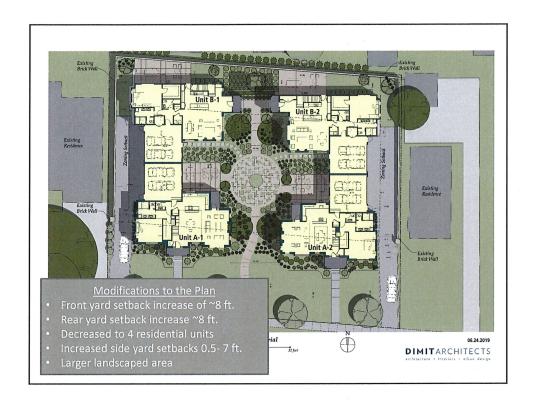
The review and approval of modifications for the construction of four, two-story cluster homes, pursuant to section 1156 – planned development. The property is in a R1M – Single Family, Medium Density district.

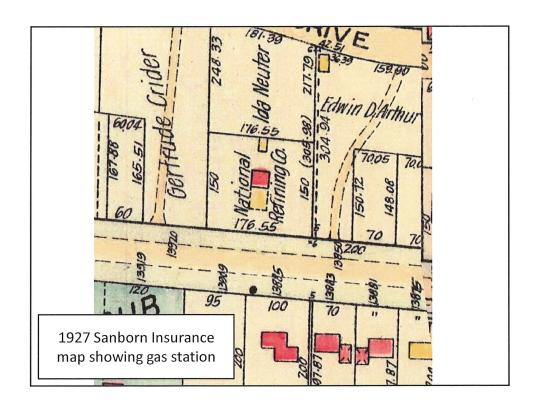
13900 Lake Avenue Lake Avenue Homes Planned Development

1156.04 Modification to the Final PD plans

• A minor modification must be reviewed and approved by the Commission and Architectural Board of Review.

13900 Lake Avenue Lake Avenue Homes Planned Development

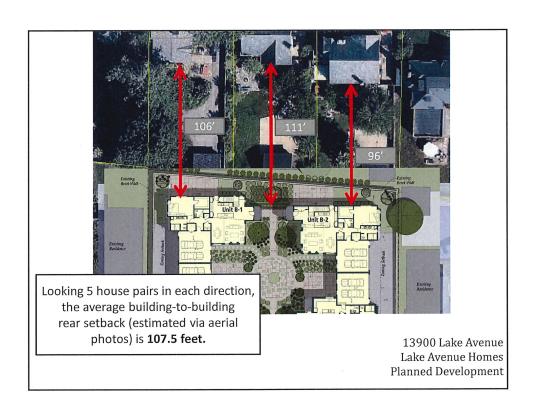


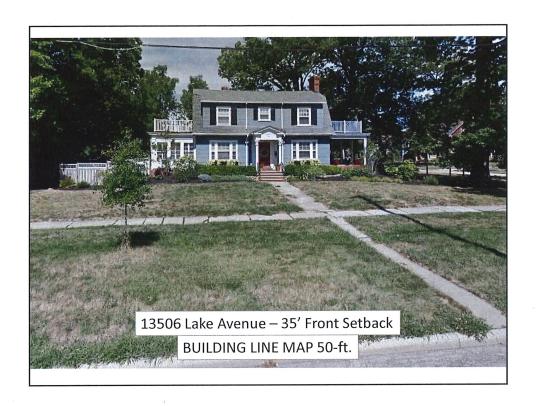


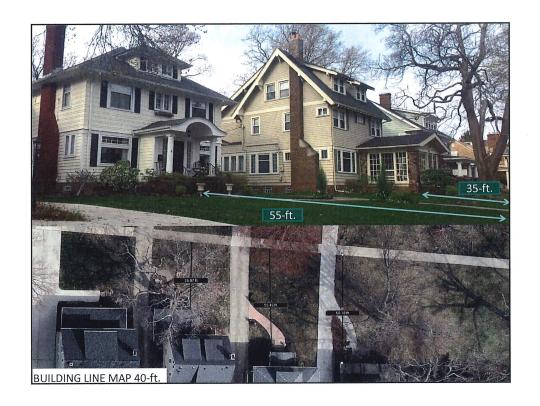




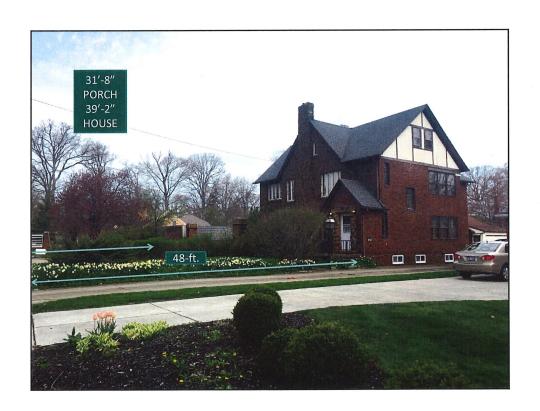














1156.03

- (f) The proposed PD shall comply with the following requirements, which shall not be modified or varied **except as expressly set forth below or as permitted by the Commission**.
- (2) Setbacks from adjoining residential uses. A Planned Development shall comply with any applicable zone district standards that require minimum setbacks from adjoining residential uses or properties as set forth in Chapter 1121 and 1123.

1156.06 DEVIATIONS FROM OTHER REGULATIONS.

(a) The Commission may approve deviations from other applicable regulations of this Code controlling development within a PD, provided that the **Commission** shall find that such deviation shall be solely for the purpose of promoting an integrated site plan and would be consistent with the Vision.

13900 Lake Avenue Lake Avenue Homes Planned Development



stewardship, options, quality

Protect and enhance the quality and character of our residential neighborhoods

Vision goals:

- Support a variety of housing options that meet the needs of our diverse community
- Provide a variety of housing types that meet the needs of the whole community including seniors, low-moderate income families, and special needs households
- Encourage new and infill development which is complementary to the scale and character of surrounding residential uses

FINDINGS

Existing Use

Gas station and Auto Mechanic Shop, Existing Non-Conformity
 Proposed use of 4 single-family homes is more-conforming with the district,
 reduces noise and traffic volumes for the neighborhood

Deviation from setback of adjoining residential uses

Commission shall find that such deviation shall be solely for the purpose of promoting an integrated site plan and would be consistent with the Vision

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- · Pedestrian friendly site-design

Reduction of traffic and curb cut widths improves pedestrian safety.

13900 Lake Avenue Lake Avenue Homes Planned Development

1156.04(m)

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13900 Lake Avenue Lake Avenue Homes Planned Development

Docket No. 07-16-19 13603 Madison Avenue

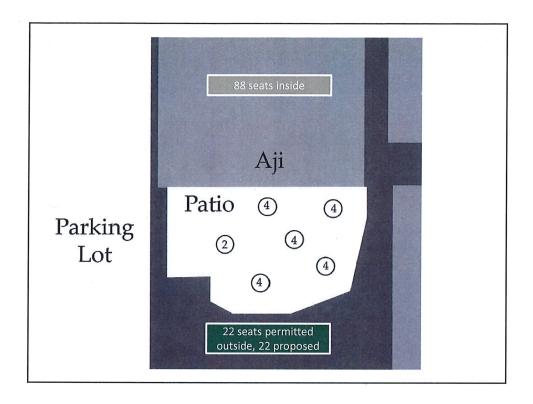
AJI NOODLE BAR



The review and approval for a conditional use permit to operate a patio at the rear of the building (six tables, 22 chairs – 88 indoor seating capacity), pursuant to section 1161.03(t) – outdoor dining facility. The property is in a C3 – Commercial, General Business district.

13603 Madison Avenue AJI Noodle Bar Conditional Use – Outdoor Dining





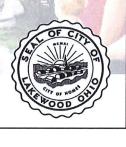
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13603 Madison Avenue AJI Noodle Bar Conditional Use – Outdoor Dining

Communication

A communication regarding the code for drivethrough businesses in Lakewood.

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Planning Commission July 2, 2019